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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,631	03/23/2007	Giuseppe Riello	58009-020800	8598

33717 7590 09/22/2009  
GREENBERG TRAURIG LLP (LA)  
2450 COLORADO AVENUE, SUITE 400E  
INTELLECTUAL PROPERTY DEPARTMENT  
SANTA MONICA, CA 90404

EXAMINER
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WAGGONER, TIMOTHY R

ART UNIT	PAPER NUMBER
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3651

NOTIFICATION DATE	DELIVERY MODE
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09/22/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

laipmail@gtlaw.com  
allenr@gtlaw.com  
santosv@gtlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,631	<b>Applicant(s)</b> RIELLO ET AL.	
	<b>Examiner</b> TIMOTHY R. WAGGONER	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

In addition the claims are replete with antecedent basis errors and words struck through which seem essential to the claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,6-8 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumberg USPN 4,668,150 in view of Aaronson et al. USPN 3,598,265.

Art Unit: 3651

Blumberg discloses a retrieval device comprising:

(Re claim 1) “a device for the manipulation and movement of objects” (figure 14). “magazine ... housings” (303 figures 14,15). “device ... mobile ... (X,Y)” (37a,53 figure 2). “carriage which moves in a direction (Z) at right angles” (33 figure 14). “form a support surface” (377,379 figure 16). “an appropriate source of motion” (349 figure 14).

Blumberg does not disclose a system comprising both a slide and a carriage which both extend to provide a support surface by extending.

Aaronson teaches a system comprising a slide (56 figure 2) and a carriage (70 figure 2) which extends to support an object.

It would be obvious to one skilled in the art to use the teachings of Aaronson to use an extendable slide and carriage style system because it allows for the same range of extension in a more compact storage envelope there by allowing for a smaller travel space or the device inside the magazine.

(Re claim 2) “carriage comprises a cavity bordered by a pair of side guides ... slide ... movable along the side guides” (70,52,56 figure 2, Aaronson).

(Re claim 6) “electric motor” (349 figure 14, Blumberg).

(Re claim 7) “motor is housed inside a casing integral with one side of the carriage” (44,42 figure 2, Aaronson).

(Re claim 8) “carriage and the source of motion are kinematically connected by means of a first rack integral with the carriage and a driving gear fixed to the shaft of the electric motor” (42,44,46,48 figure 2, Aaronson).

(Re claim 11) "objects to be transferred consist of recorded objects" ( "video cassettes" Background of the Invention, Blumberg).

(Re claim 12) Blumberg nor Aaronson disclose transporting the items claimed but would be capable of such.

(Re claim 13) "device is mounted inside an automatic dispensing machine" (figure 1,2, Blumberg).

(Re claim 14) "automatic dispensing machine is designed to dispense recorded objects such as video cassettes and/or DVDs or other audiovisual items" (figure 1,2, Blumberg).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPNs 4,789,054 and 6,692,211.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY R. WAGGONER whose telephone number is (571)272-8204. The examiner can normally be reached on Mon-Thu 8am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRW

/Timothy R Waggoner/  
Examiner, Art Unit 3651